

25.11.2022
Court No.13
Item No.8
AP

WPA 21700 of 2022

State Bank of India and Ors.

Vs.

State of West Bengal and Ors.

Mr. Indrajit Bhattacharjee
Mr. Kowshik Tikadar

...For the petitioners.

Mr. Debasish Ghosh
Mr. Debapriya Chatterjee

...For the State.

Learned counsel for the State represents Mrinal Sinha, Officer-in-Charge, Santragachi Police Station, who was using the vehicle in question which is a Mahindra Scorpio.

It is submitted that the vehicle was hypothecated with the State Bank of India against loans and advances granted to one Sanjay Kumar Dey.

Learned counsel for Mrinal Sinha submits that the borrower Sanjay Kumar Dey had entered into an agreement with one Shankar Gupta to let out or hire the said vehicle to third parties. It is upon such arrangement that the said Mrinal Sinha was using the vehicle in question. He had received the vehicle from the said Shankar Gupta and returned the same to him after using it.

This Court notes with shock and surprise as to how an officer-in-charge of a police station, can obtain a vehicle under the arrangement aforementioned. What is more interesting is that the said Shankar Gupta is in

custody for cheating and defaulting in repayment of dues of a different bank to the tune of Rs.3.5 crores.

This Court directs the Commissioner of Police, Howrah City Police to cause enquiry into the circumstances under which the vehicle in question was obtained for use by the said Mrinal Sinha. Upon enquiry it is expected that suitable departmental steps shall be taken if sufficient grounds are found in that regard.

The writ petitioners/State Bank of India is not too far behind in impropriety in the writ petition. Prayers have been made for seeking possession of the vehicle in question which is hypothecated to the bank. It is elementary law which banker ought to know that possession of vehicle under defaulted loans are required to be taken after complying with the due process of law.

This Court, therefore, imposes costs assessed at Rs.5,000/- payable by the petitioners/State Bank of India to the Santragachi Police Station.

The petitioners may take steps as may be advised in law as regards the vehicle in question.

With the aforesaid directions, the writ petition is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)